

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**QUALITY INDUSTRIAL SERVICE, INC.**

**Employer**

**and**

**Case No. 8-RC-16867**

**INTERNATIONAL UNION, UNITED AUTOMOBILE,  
AEROSPACE AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA, UAW**

**Petitioner**

**ORDER DIRECTING HEARING ON  
OBJECTIONS AND NOTICE OF HEARING**

Pursuant to a petition filed on December 8, 2006, and a Stipulated Election Agreement approved on December 20, 2006, an election was conducted on January 18, 2007, among employees in the following-described unit:

**All full-time installation mechanics, installation mechanics apprentices, service mechanics and service mechanics apprentices engaged in the fabrication, installation, service or repair of all heating, venting and air conditioning systems employed by the Employer at or out of its 6226 American Road, Toledo, Ohio facility, the sole facility involved herein, but excluding all office clerical, professional employees, sales persons, dispatchers, guards and supervisors as defined in the Act, and all other employees.**

The Tally of Ballots issued after the election shows that of approximately 71 eligible voters, 61 cast ballots, of which 37 were cast for, and 23 against the Petitioner. There was 1 challenged ballot, a number insufficient to affect the results of the election.

On January 25, 2006, the Employer filed timely Objections to Conduct Affecting the Results of the Election, a copy of which was duly served upon the Petitioner. A copy of the Employer's Objections is attached.<sup>1</sup>

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<sup>1</sup> The petition was filed on December 8, 2006. I have considered only conduct occurring during the critical period which begins on and includes the date of the filing of the petition and extends through the election. **The Ideal Electric and Manufacturing Company, 134 NLRB 1275 (1961).**

Pursuant to the provisions of Section 102.69 of the Board's Rules and Regulations, an investigation of the objections has been conducted, and I hereby make the following findings and conclusions.

### **PREFATORY NOTE**

Subsequent to the filing of the objections, the Employer requested the withdrawal of Objection No. 7. I approve the Employer's request to withdraw Objection No. 7.

### **THE OBJECTIONS**

#### **OBJECTIONS NOS. 1, 2, 3, 4, 5, and 6**

Because the allegations contained in Objections Nos. 1, 2, 3, 4, 5, and 6 are similar in nature, I will treat them, for purposes of this **Order**, as a single objection.

The gravamen of these six objections is that the Petitioner and/or its alleged adherents or agents interrogated, threatened, coerced, badgered and/or harassed several employees about their voting decisions. It is alleged that the Petitioner and/or its adherents or its agents misinstructed, misled, and misdirected employees, urging them to refrain from voting if they did not want union representation. Moreover, the objections allege that the Petitioner and/or its adherents or agents interfered with the election by stationing an election observer in the polling place who had committed one or more of the acts described above.

In support of these objections, the Employer submitted evidence indicating that employees were interrogated concerning how they intended to vote by employees alleged to be agents and/or adherents of the Petitioner and were told not to attend the election since they said they intended to vote "no". Further, evidence provided indicated that on the day of the election an employee alleged to be an agent of the Petitioner initiated an oral altercation, that included profanity and shouting, with a third person in the presence of eligible voters.

The Petitioner denies any knowledge of this conduct and asserts that it did not authorize, condone, or instigate any of the alleged conduct. Furthermore, it asserts that none of the employees were its authorized agents during the campaign.

Since these objections raise substantial factual and material issues which cannot be resolved ex parte, I shall order that they be set for hearing.

### **CONCLUSIONS AND RECOMMENDATIONS**

I conclude that the Employer's objections discussed above raise substantial and material factual issues which should be resolved at a hearing and not on the basis of an administrative investigation. **Erie Coke and Chemical Company, 261 NLRB 25 (1982).**

## **ORDER**

**IT IS HEREBY ORDERED** that the Employer's Objections Nos. 1, 2, 3, 4, 5, and 6 be resolved at a hearing before a duly designated hearing officer.

**YOU ARE HEREBY ORDERED** that on the 6<sup>th</sup> day of March, 2007, and on consecutive days thereafter until completed at 10:00 a.m., in a Hearing Room of the National Labor Relations Board, Region 8, Room 1695, Anthony J. Celebrezze Federal Building, 1240 East Ninth Street, Cleveland, Ohio, a hearing will be conducted before a hearing officer of the National Labor Relations Board to resolve the issues raised by Employer's Objections Nos. 1, 2, 3, 4, 5, and 6, at which time and place the parties will have the right to appear in person or otherwise give testimony and call, examine and cross-examine witnesses and present oral argument pertinent to the issues raised by the objections.

**IT IS FURTHER ORDERED** that the hearing officer designated for the purpose of conducting the hearing shall prepare and cause to be served upon the parties, a report containing resolutions of the credibility of witnesses, findings of fact, and recommendations to the Board as to the disposition of the issues raised by the objections herein. Within fourteen (14) days from the date of the issuance of said report any party may file with the Board in Washington, D.C., an original and eight (8) copies of exceptions to such report. Immediately upon the filing of such exceptions, the party filing the same shall serve a copy thereof upon each of the other parties to this proceeding and upon the Regional Director and shall file a statement of service with the Board. If no exceptions are filed to such report, the Board may, upon the expiration of the period for filing exceptions, decide the matter forthwith upon the record or make other disposition of the case.

Dated at Cleveland, Ohio this 20<sup>th</sup> day of February, 2007.

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Frederick J. Calatrello  
Regional Director  
National Labor Relations Board  
Region 8

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
NOTICE

**CASE NO. 8-RC-16867**

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The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

1. The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
2. Grounds thereafter must be set forth in ***detail***;
3. Alternative dates for any rescheduled hearing must be given;
4. The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; ***and***
5. Copies must be simultaneously served on all other parties (*listed below*), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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